

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

4:96cv147-V
(4:94cr5-4-V)

STEPHEN T. JONES,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

THIS MATTER is before the Court on review of Petitioner's Motion to Preserve the Right to Benefit from HR 2316 and the Fair Sentencing Act of 2010, filed August 4, 2011 (Doc. No. 32).

By this document Petitioner is seeking permission to file a motion to seek relief under HR 2316 and to have the Fair Sentencing Act retroactively applied to his 1995 sentence in the event that HR 2316 is passed. Suffice it to say, the instant Motion is premature. Furthermore, because Petitioner already has litigated a motion to vacate under 28 U.S.C. § 2255, he would be required to seek pre-filing authorization from the Fourth Circuit Court of Appeals before seeking any future collateral review in this Court. See 28 U.S.C. § 2244. Therefore, Petitioner's Motion to Preserve (Doc. No. 32) is Dismissed as premature.

SO ORDERED.

Signed: August 8, 2011



Richard L. Voorhees
United States District Judge

